

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA,

-against-

VICTOR MARTINEZ, et al.,

Defendants.

USDC SDNY
DOCUMENT
ELECTRONICALLY FILED
DOC #: _____
DATE FILED: 11/4/2020

1:20-cr-00213 (MKV)

SCEDULING ORDER

MARY KAY VYSKOCIL, United States District Judge:

On October 23, 2020, counsel for Defendant Victor Martinez submitted a letter advising the Court about a potential conflict of interest with respect her representation of that Defendant. Counsel requested that the letter be filed under seal. After reviewing the letter, the Court is inclined to believe that it should hold a hearing pursuant to *United States v. Curcio*, 680 F.2d 881 (2d Cir. 1982). The parties shall appear on November 30, 2020, at 2:00PM. Unless otherwise requested by the Parties, the proceeding will be held by videoconference. The Parties will receive a link to join the videoconference proceeding, and a public dial-in phone number will be posted on the docket. Counsel for both the Government and Defendant Martinez, as well as Mr. Martinez himself, must join the conference by video. In the event this presents a hardship to any Party, counsel should file a letter on ECF so indicating.

On or before November 12, 2020 the Government must submit a letter analyzing the potential conflict and providing its views on (1) whether the potential conflict is waivable; (2) whether the *Curcio* hearing can be held on one day or should be divided into two proceedings so that the Defendant can consider whether to waive any potential conflict before reconvening; and (3) whether the Court should appoint independent counsel to advise the Defendant with respect to this matter. (Defense counsel may, but is not required to, file a letter addressing the same

issues by the same date.) The Government shall attach to its letter a “*Curcio script*” with a proposed allocution for the Court to use at the proceeding.

It is further ordered that on or before November 10, 2020, counsel for Defendant Martinez must file a copy of her October 23 letter publicly on ECF. The Court believes that the letter properly is not subject to sealing. To the extent Defendant or the Government disagrees, Defendant should file a redacted form of the letter on ECF, along with a joint letter from both Parties explaining the need for redactions.

SO ORDERED.

Dated: November 4, 2020
New York, New York



MARY KAY VYSKOCIL
United States District Judge